IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22325 of 2004

Between:

Nanduri Srinivasa Rao, S/o. N.S.V. Sarma,
R/o. Bhadrachalam, Khammam District.

..... PETITIONER

AND

1.. The Commissioner, Appeals, (The Commissioner of Survey, Settlements &

Land Records)
O/o. the Chief Commissioner, Land Administration, Govt. of A.P.

Hyderabad.
2 .. The Director of Settlements, A.P. Hyderabad.
3.. The Sub Collector, Cum Settlement Officer, Bhadrachalam,

Khammam District.
4.. The Mandal Revenue Officer, Bhadrachalam, Khammam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction preferably writ of mandamus declaring the order issued by 1st respondent in the proceedings No. L1/244/2003 dt. 28-9-2004 to the extent of remanding the case to the 3rd respondent to dispose of the same afresh as illegal, arbitrary, and unnecessary in view of the findings recorded in the impugned order itself and consequently confirm the order issued by the 3rd respondent Settlement Officer, dt. 10-8-2001 in case No. 10080/85 in respect of the land of the petitioner admeasuring Hc. 5-79 in RS NO. 44 situated at Laxmidevipeta freehold(v) Bhadrachalam Mandal, Khammam District, and pass

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Questioning the order of the Appellate Authority/first respondent vide proceedings dt 28-9-2004 remanding the matter to the third respondent, the present writ petition is filed.

The petitioner claims that his mother has purchased land admeasuring an extent of Ac.14-97 cents situated in R.S.No.44, Laxmidevipeta Freehold village, Bhadrachalam Mandal, Khammam district under an agreement of sale dated 16-1-1969 and she was in possession of the same and on her death, the said property was inherited to him, with all the rights and possession. The petitioner contends that he has spent huge amounts and developed the subject land. While so, the third respondent suo-motu initiated enquiry under A.P.Scheduled Areas Ryotwari Settlement Regulation 2/1970 for the purpose of affecting Ryotwari settlement in respect of the subject land in case No. 10080/1985 and on verification of the matter, granted ryotwari patta in favour of petitioner's mother by order dated 18-7-1987. Against the said order, the Mandal Revenue Officer/4th respondent filed an appeal before the second respondent. During the pendency of appeal, petitioner's mother died and on 23-1-1991 an order was passed, setting aside the order of the 3rd respondent. Against the said order, the petitioner filed a review before the second respondent. On consideration of the matter, the second respondent passed an order dated 21-10-1998 observing that the order dated 30-12-1991 is nullity and directed the petitioner to raise the plea before the Lower Court. Thereafter, the third respondent passed an order dated 10-8-2001 holding that petitioner is entitled to ryotwari patta. Questioning the said order, the 4th respondent filed an appeal before the 2nd respondent and the same was allowed by order dated 21-3-2003 cancelling

the patta granted in favour of the petitioner. Against the cancellation order, the petitioner filed an appeal before the first respondent. The first respondent passed an order on
21-3-2003 remanding the matter to the third respondent and setting aside the order of the second respondent dated 21-3-2003. Questioning the said remand order, the present writ petition is filed.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the stage of admission.

The operative portion of the impugned order dated 28-9-2004 reads as under:

> *"In the light of the decisions and documentary evidence, the order of the Director of Settlement dt 21-3-2003 in A.P.No.2/2003(G2) is set aside and remand the case to the R.D.O-cum-Settlement Officer, Bhadrachalam to dispose of the same afresh after giving reasonable opportunity to all the parties concerned. Till such time, the possession of the Appellant shall not be disturbed."*

A perusal of the impugned order would go to show that the first respondent, while remanding the matter for fresh disposal, has sufficiently protected the interest of the petitioner herein, by ordering that till the disposal of the matter by the third respondent, the possession of the appellant/petitioner herein shall not be disturbed. No prejudice would be caused to the petitioner by the said order and the same cannot be said as an illegal order.

For the fore going reasons, I see no reason to interfere with the matter. The writ petition fails and the same is dismissed. However, the third respondent is directed to expedite the hearing and dispose of the matter preferably within a period of three months from the date of receipt of copy of this order. No costs.

N.V.RAMANA,J

3-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. The Commissioner, Appeals, (The Commissioner of Survey,

Settlements & Land Records)
O/o. the Chief Commissioner, Land Administration, Govt. of A.P.

Hyderabad.
2 .. The Director of Settlements, A.P. Hyderabad.
3.. The Sub Collector, Cum Settlement Officer, Bhadrachalam,

Khammam District.
4.. The Mandal Revenue Officer, Bhadrachalam, Khammam District.

5...2CCs to G.P. for Revenue, High Court of A.P building, Hyderabad (OUT)

6.2CD copies

*Form-NIC-OGS/WP{**RLD**}*